

## **REMARKS**

Claims 1-2, 6-11, and 13-24 are currently pending. Applicants appreciate the Examiner's allowance of claims 14-20 and the Examiner's indication that claims 3-5 and 12 represent allowable subject matter. In response, claims 3-5 and 12 are cancelled and represented as new claims 21-24. In particular, claim 21 includes all of the limitations of claims 1 and 3, claims 22-23 depend from claim 21 and include all of the limitations of claims 4-5, and claim 24 includes all of the limitations of claims 1 and 12. No new matter is added. Allowance of new claims 21-24 is respectfully requested.

Claims 1-2, 6-11, and 13 stand rejected.

### ***Rejection Pursuant to 35 U.S.C. §102***

Claims 1-2, 6-11, and 13 are rejected pursuant to 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,311,866 of Kagan et al. (Kagan). The Examiner argues that Kagan discloses a system that is usable for treating atrial fibrillation having an active electrode and a return electrode array with a surface area that is greater than a surface area of the active electrode. Applicants respectfully disagree.

Kagan discloses a heart *mapping* catheter that includes an electrode array (16) defining a number of electrode sites, and a distal tip electrode assembly (29) that provides an electrical reference for calibration. In use, “[t]hese structural elements provide a mapping catheter assembly which can be readily positioned within the heart and used to acquire highly accurate information concerning the electrical activity of the heart . . .” (Kagan Col. 2, lines 16-20.) In particular, the electrodes are used to *measure* activity, not to deliver energy and treat atrial fibrillation. Claim 1 of the present invention recites a system for treating atrial fibrillation having an active, *energy-delivering* electrode and a return electrode. Kagan does not teach or even suggest an *energy-delivering* electrode. Accordingly, claim 1 distinguishes over Kagan and represents allowable subject matter. Claims 2, 6-11, and 13 are allowable at least because they depend from an allowable base claim.

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***Conclusion***

In view of the amendments and remarks above, Applicants submit that claims 1-2, 6-11, and 13-24 are in condition for allowance. In the event that the above amendments and remarks are not deemed to place this case in condition for allowance, an opportunity to interview with the Examiner is requested. Applicants encourage the Examiner to telephone the undersigned upon receipt of this response to discuss any issues that may remain.

Respectfully submitted,

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